

Calendar No. 32

111TH CONGRESS
1ST SESSION

S. 49

To help Federal prosecutors and investigators combat public corruption by
strengthening and clarifying the law.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. LEAHY (for himself, Mr. CORNYN, and Mr. KAUFMAN) introduced the fol-
lowing bill; which was read twice and referred to the Committee on the
Judiciary

MARCH 12, 2009

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To help Federal prosecutors and investigators combat public
corruption by strengthening and clarifying the law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Corruption
5 Prosecution Improvements Act”.

1 **SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SE-**
 2 **RIOUS PUBLIC CORRUPTION OFFENSES.**

3 (a) ~~IN GENERAL.~~—Chapter 213 of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 3299A. Corruption offenses**

7 “Unless an indictment is returned or the information
 8 is filed against a person within 6 years after the commis-
 9 sion of the offense, a person may not be prosecuted, tried,
 10 or punished for a violation of, or a conspiracy or an at-
 11 tempt to violate the offense in—

12 “(1) section 201 or 666;

13 “(2) section 1341 or 1343, when charged in
 14 conjunction with section 1346 and where the offense
 15 involves a scheme or artifice to deprive another of
 16 the intangible right of honest services of a public of-
 17 ficial;

18 “(3) section 1951, if the offense involves extor-
 19 tion under color of official right;

20 “(4) section 1952, to the extent that the unlaw-
 21 ful activity involves bribery; or

22 “(5) section 1962, to the extent that the racket-
 23 eering activity involves bribery chargeable under
 24 State law, involves a violation of section 201 or 666,
 25 section 1341 or 1343, when charged in conjunction
 26 with section 1346 and where the offense involves a

1 scheme or artifice to deprive another of the intan-
 2 gible right of honest services of a public official, or
 3 section 1951, if the offense involves extortion under
 4 color of official right.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of chapter 213 of title 18, United States
 7 Code, is amended by adding at the end the following:

“3299A. Corruption offenses.”.

8 (c) APPLICATION OF AMENDMENT.—The amend-
 9 ments made by this section shall not apply to any offense
 10 committed before the date of enactment of this Act.

11 **SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES**
 12 **TO LICENCES AND OTHER INTANGIBLE**
 13 **RIGHTS.**

14 Sections 1341 and 1343 of title 18, United States
 15 Code, are each amended by striking “money or property”
 16 and inserting “money, property, or any other thing of
 17 value”.

18 **SEC. 4. VENUE FOR FEDERAL OFFENSES.**

19 (a) IN GENERAL.—The second undesignated para-
 20 graph of section 3237(a) of title 18, United States Code,
 21 is amended by adding before the period at the end the
 22 following: “or in any district in which an act in further-
 23 ance of the offense is committed”.

1 (b) SECTION HEADING.—The heading for section
 2 3237 of title 18, United States Code, is amended to read
 3 as follows:

4 **“§ 3237. Offense taking place in more than one dis-**
 5 **trict”.**

6 (c) TABLE OF SECTIONS.—The table of sections at
 7 the beginning of chapter 211 of title 18, United States
 8 Code, is amended so that the item relating to section 3237
 9 reads as follows:

“3237. Offense taking place in more than one district.”.

10 **SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**
 11 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

12 Section 666(a) of title 18, United States Code, is
 13 amended—

14 (1) in paragraph (1)(B), by—

15 (A) striking “anything of value” and in-
 16 serting “any thing or things of value”; and

17 (B) striking “of \$5,000 or more” and in-
 18 serting “of \$1,000 or more”;

19 (2) by amending paragraph (2) to read as fol-
 20 lows:

21 “(2) corruptly gives, offers, or agrees to give
 22 any thing or things of value to any person, with in-
 23 tent to influence or reward an agent of an organiza-
 24 tion or of a State, local or Indian tribal government,
 25 or any agency thereof, in connection with any busi-

1 ness, transaction, or series of transactions of such
 2 organization, government, or agency involving any-
 3 thing of value of \$1,000 or more;” and

4 (3) in the matter following paragraph (2), by
 5 striking “ten years” and inserting “15 years”.

6 **SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.**

7 Section 641 of title 18, United States Code, is
 8 amended by striking “ten years” and inserting “15
 9 years”.

10 **SEC. 7. PENALTY FOR SECTION 201(B) VIOLATIONS.**

11 Section 201(b) of title 18, United States Code, is
 12 amended by striking “fifteen years” and inserting “20
 13 years”.

14 **SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN**
 15 **PUBLIC CORRUPTION RELATED OFFENSES.**

16 (a) **SOLICITATION OF POLITICAL CONTRIBUTIONS.—**

17 Section 602(a) of title 18, United States Code, is amended
 18 by striking “three years” and inserting “10 years”.

19 (b) **PROMISE OF EMPLOYMENT FOR POLITICAL AC-**
 20 **TIVITY.—**Section 600 of title 18, United States Code, is
 21 amended by striking “one year” and inserting “10 years”.

22 (c) **DEPRIVATION OF EMPLOYMENT FOR POLITICAL**
 23 **ACTIVITY.—**Section 601(a) of title 18, United States
 24 Code, is amended by striking “one year” and inserting
 25 “10 years”.

1 (d) INTIMIDATION TO SECURE POLITICAL CON-
 2 TRIBUTIONS.—Section 606 of title 18, United States
 3 Code, is amended by striking “three years” and inserting
 4 “10 years”.

5 (e) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
 6 TIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title
 7 18, United States Code, is amended by striking “3 years”
 8 and inserting “10 years”.

9 (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL
 10 EMPLOYEES.—Section 610 of title 18, United States
 11 Code, is amended by striking “three years” and inserting
 12 “10 years”.

13 **SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF**
 14 **PUBLIC MONEY OFFENSE.**

15 Section 641 of title 18, United States Code, is
 16 amended by inserting “the District of Columbia or” before
 17 “the United States” each place that term appears.

18 **SEC. 10. ADDITIONAL RICO PREDICATES.**

19 (a) IN GENERAL.—Section 1961(1) of title 18,
 20 United States Code, is amended—

21 (1) by inserting “section 641 (relating to em-
 22 bezzlement or theft of public money, property, or
 23 records),” after “473 (relating to counterfeiting),”;
 24 and

1 (2) by inserting “section 666 (relating to theft
2 or bribery concerning programs receiving Federal
3 funds),” after “section 664 (relating to embezzle-
4 ment from pension and welfare funds),”.

5 (b) CONFORMING AMENDMENTS.—Section
6 1956(c)(7)(D) of title 18, United States Code, is amend-
7 ed—

8 (1) by striking “section 641 (relating to public
9 money, property, or records),”; and

10 (2) by striking “section 666 (relating to theft
11 or bribery concerning programs receiving Federal
12 funds),”.

13 **SEC. 11. ADDITIONAL WIRETAP PREDICATES.**

14 Section 2516(1)(c) of title 18, United States Code,
15 is amended by inserting “section 641 (relating to embez-
16 zlement or theft of public money, property, or records),
17 section 666 (relating to theft or bribery concerning pro-
18 grams receiving Federal funds),” after “section 224 (brib-
19 ery in sporting contests),”.

20 **SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**
21 **ITIES.**

22 Section 201(c)(1) of title 18, United States Code, is
23 amended—

24 (1) by striking the matter before subparagraph

25 (A) and inserting “otherwise than as provided by

1 law for the proper discharge of official duty, or by
2 rule or regulation—”;

3 ~~(2)~~ in subparagraph (A), by inserting after
4 “, or person selected to be a public official,” the fol-
5 lowing: “for or because of the official’s or person’s
6 official position, or for or because of any official act
7 performed or to be performed by such public official,
8 former public official, or person selected to be a pub-
9 lic official”; and

10 ~~(3)~~ in subparagraph (B), by striking all after
11 “, anything of value personally,” and inserting “for
12 or because of the official’s or person’s official posi-
13 tion, or for or because of any official act performed
14 or to be performed by such official or person;”.

15 **SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.**

16 Section 201(a)(3) of title 18, United States Code, is
17 amended to read as follows:

18 “~~(3)~~ the term ‘official act’ means any action
19 within the range of official duty, and any decision or
20 action on any question, matter, cause, suit, pro-
21 ceeding or controversy, which may at any time be
22 pending, or which may by law be brought before any
23 public official, in such public official’s official capac-
24 ity or in such official’s place of trust or profit. An

1 official act can be a single act, more than one act,
 2 or a course of conduct.”.

3 **SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIB-**
 4 **ERY.**

5 Section 201 of title 18, United States Code, is
 6 amended—

7 (1) in subsection (b), by striking “anything of
 8 value” each place it appears and inserting “any
 9 thing or things of value”; and

10 (2) in subsection (c), by striking “anything of
 11 value” each place it appears and inserting “any
 12 thing or things of value”.

13 **SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUC-**
 14 **TION OF JUSTICE PROCEEDINGS.**

15 (a) **IN GENERAL.**—Section 1512(i) of title 18, United
 16 States Code, is amended by striking “A prosecution under
 17 this section or section 1503” and inserting “A prosecution
 18 under this chapter”.

19 (b) **PERJURY.**—

20 (1) **IN GENERAL.**—Chapter 79 of title 18,
 21 United States Code, is amended by adding at the
 22 end the following:

23 **“§ 1624. Venue**

24 “A prosecution under this chapter may be brought
 25 in the district in which the oath, declaration, certificate,

1 verification, or statement under penalty of perjury is made
 2 or in which a proceeding takes place in connection with
 3 the oath, declaration, certificate, verification, or state-
 4 ment.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
 6 tions at the beginning of chapter 79 of title 18,
 7 United States Code, is amended by adding at the
 8 end the following:

“1624. Venue.”.

9 **SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
 10 **INVESTIGATE AND PROSECUTE PUBLIC COR-**
 11 **RUPTION OFFENSES.**

12 There are authorized to be appropriated to the Of-
 13 fices of the Inspectors General and the Department of
 14 Justice, including the United States Attorneys’ Offices,
 15 the Federal Bureau of Investigation, and the Public Integ-
 16 rity Section of the Criminal Division, \$25,000,000 for
 17 each of the fiscal years 2009, 2010, 2011, and 2012, to
 18 increase the number of personnel to investigate and pros-
 19 ecute public corruption offenses including sections 201,
 20 203 through 209, 641, 654, 666, 1001, 1341, 1343, 1346,
 21 and 1951 of title 18, United States Code.

22 **SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES**
 23 **RELATING TO CERTAIN CRIMES.**

24 (a) DIRECTIVE TO SENTENCING COMMISSION.—Pur-
 25 suant to its authority under section 994(p) of title 28,

1 United States Code, and in accordance with this section;
2 the United States Sentencing Commission shall review and
3 amend its guidelines and its policy statements applicable
4 to persons convicted of an offense under sections 201, 641,
5 and 666 of title 18, United States Code, in order to reflect
6 the intent of Congress that such penalties be increased
7 in comparison to those currently provided by the guide-
8 lines and policy statements.

9 (b) REQUIREMENTS.—In carrying out this section,
10 the Commission shall—

11 (1) ensure that the sentencing guidelines and
12 policy statements reflect Congress' intent that the
13 guidelines and policy statements reflect the serious
14 nature of the offenses described in subsection (a),
15 the incidence of such offenses, and the need for an
16 effective deterrent and appropriate punishment to
17 prevent such offenses;

18 (2) consider the extent to which the guidelines
19 may or may not appropriately account for—

20 (A) the potential and actual harm to the
21 public and the amount of any loss resulting
22 from the offense;

23 (B) the level of sophistication and planning
24 involved in the offense;

1 (C) whether the offense was committed for
2 purposes of commercial advantage or private fi-
3 nancial benefit;

4 (D) whether the defendant acted with in-
5 tent to cause either physical or property harm
6 in committing the offense;

7 (E) the extent to which the offense rep-
8 resented an abuse of trust by the offender and
9 was committed in a manner that undermined
10 public confidence in the Federal, State, or local
11 government; and

12 (F) whether the violation was intended to
13 or had the effect of creating a threat to public
14 health or safety, injury to any person or even
15 death;

16 (3) assure reasonable consistency with other
17 relevant directives and with other sentencing guide-
18 lines;

19 (4) account for any additional aggravating or
20 mitigating circumstances that might justify excep-
21 tions to the generally applicable sentencing ranges;

22 (5) make any necessary conforming changes to
23 the sentencing guidelines; and

1 (6) assure that the guidelines adequately meet
 2 the purposes of sentencing as set forth in section
 3 ~~3553(a)(2)~~ of title 18, United States Code.

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Public Corruption Pros-*
 6 *ecution Improvements Act”.*

7 **SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS FOR SE-**
 8 **RIOUS PUBLIC CORRUPTION OFFENSES.**

9 (a) *IN GENERAL.*—Chapter 213 of title 18, United
 10 States Code, is amended by adding at the end the following:

11 **“§ 3299A. Corruption offenses**

12 *“Unless an indictment is returned or the information*
 13 *is filed against a person within 6 years after the commis-*
 14 *sion of the offense, a person may not be prosecuted, tried,*
 15 *or punished for a violation of, or a conspiracy or an at-*
 16 *tempt to violate the offense in—*

17 *“(1) section 201 or 666;*

18 *“(2) section 1341 or 1343, when charged in con-*
 19 *junction with section 1346 and where the offense in-*
 20 *volves a scheme or artifice to deprive another of the*
 21 *intangible right of honest services of a public official;*

22 *“(3) section 1951, if the offense involves extortion*
 23 *under color of official right;*

24 *“(4) section 1952, to the extent that the unlawful*
 25 *activity involves bribery; or*

1 “(5) section 1962, to the extent that the racket-
 2 eering activity involves bribery chargeable under
 3 State law, involves a violation of section 201 or 666,
 4 section 1341 or 1343, when charged in conjunction
 5 with section 1346 and where the offense involves a
 6 scheme or artifice to deprive another of the intangible
 7 right of honest services of a public official, or section
 8 1951, if the offense involves extortion under color of
 9 official right.”.

10 (b) *CLERICAL AMENDMENT.*—The table of sections at
 11 the beginning of chapter 213 of title 18, United States Code,
 12 is amended by adding at the end the following:

“3299A. Corruption offenses.”.

13 (c) *APPLICATION OF AMENDMENT.*—The amendments
 14 made by this section shall not apply to any offense com-
 15 mitted before the date of enactment of this Act.

16 **SEC. 3. APPLICATION OF MAIL AND WIRE FRAUD STATUTES**
 17 **TO LICENCES AND OTHER INTANGIBLE**
 18 **RIGHTS.**

19 Sections 1341 and 1343 of title 18, United States Code,
 20 are each amended by striking “money or property” and in-
 21 serting “money, property, or any other thing of value”.

22 **SEC. 4. VENUE FOR FEDERAL OFFENSES.**

23 (a) *IN GENERAL.*—The second undesignated para-
 24 graph of section 3237(a) of title 18, United States Code,
 25 is amended by adding before the period at the end the fol-

1 *lowing: “or in any district in which an act in furtherance*
 2 *of the offense is committed”.*

3 *(b) SECTION HEADING.—The heading for section 3237*
 4 *of title 18, United States Code, is amended to read as fol-*
 5 *lows:*

6 ***“§3237. Offense taking place in more than one dis-***
 7 ***trict”.***

8 *(c) TABLE OF SECTIONS.—The table of sections at the*
 9 *beginning of chapter 211 of title 18, United States Code,*
 10 *is amended so that the item relating to section 3237 reads*
 11 *as follows:*

“3237. Offense taking place in more than one district.”.

12 ***SEC. 5. THEFT OR BRIBERY CONCERNING PROGRAMS RE-***
 13 ***CEIVING FEDERAL FINANCIAL ASSISTANCE.***

14 *Section 666(a) of title 18, United States Code, is*
 15 *amended—*

16 *(1) in paragraph (1)(B), by—*

17 *(A) striking “anything of value” and insert-*
 18 *ing “any thing or things of value”; and*

19 *(B) striking “of \$5,000 or more” and in-*
 20 *serting “of \$1,000 or more”;*

21 *(2) by amending paragraph (2) to read as fol-*
 22 *lows:*

23 *“(2) corruptly gives, offers, or agrees to give any*
 24 *thing or things of value to any person, with intent to*
 25 *influence or reward an agent of an organization or*

1 of a State, local or Indian tribal government, or any
 2 agency thereof, in connection with any business,
 3 transaction, or series of transactions of such organiza-
 4 tion, government, or agency involving anything of
 5 value of \$1,000 or more;” and

6 (3) in the matter following paragraph (2), by
 7 striking “ten years” and inserting “15 years”.

8 **SEC. 6. PENALTY FOR SECTION 641 VIOLATIONS.**

9 Section 641 of title 18, United States Code, is amended
 10 by striking “ten years” and inserting “15 years”.

11 **SEC. 7. PENALTY FOR SECTION 201(b) VIOLATIONS.**

12 Section 201(b) of title 18, United States Code, is
 13 amended by striking “fifteen years” and inserting “20
 14 years”.

15 **SEC. 8. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN**
 16 **PUBLIC CORRUPTION RELATED OFFENSES.**

17 (a) *SOLICITATION OF POLITICAL CONTRIBUTIONS.*—
 18 Section 602(a) of title 18, United States Code, is amended
 19 by striking “three years” and inserting “10 years”.

20 (b) *PROMISE OF EMPLOYMENT FOR POLITICAL ACTIV-*
 21 *ITY.*—Section 600 of title 18, United States Code, is amend-
 22 ed by striking “one year” and inserting “10 years”.

23 (c) *DEPRIVATION OF EMPLOYMENT FOR POLITICAL*
 24 *ACTIVITY.*—Section 601(a) of title 18, United States Code,

1 *is amended by striking “one year” and inserting “10*
 2 *years”.*

3 (d) *INTIMIDATION TO SECURE POLITICAL CONTRIBU-*
 4 *TIONS.—Section 606 of title 18, United States Code, is*
 5 *amended by striking “three years” and inserting “10*
 6 *years”.*

7 (e) *SOLICITATION AND ACCEPTANCE OF CONTRIBU-*
 8 *TIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title 18,*
 9 *United States Code, is amended by striking “3 years” and*
 10 *inserting “10 years”.*

11 (f) *COERCION OF POLITICAL ACTIVITY BY FEDERAL*
 12 *EMPLOYEES.—Section 610 of title 18, United States Code,*
 13 *is amended by striking “three years” and inserting “10*
 14 *years”.*

15 **SEC. 9. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF**
 16 **PUBLIC MONEY OFFENSE.**

17 *Section 641 of title 18, United States Code, is amended*
 18 *by inserting “the District of Columbia or” before “the*
 19 *United States” each place that term appears.*

20 **SEC. 10. ADDITIONAL RICO PREDICATES.**

21 (a) *IN GENERAL.—Section 1961(1) of title 18, United*
 22 *States Code, is amended—*

23 (1) *by inserting “section 641 (relating to embez-*
 24 *zlement or theft of public money, property, or*

1 *records),” after “473 (relating to counterfeiting),”;*
 2 *and*

3 *(2) by inserting “section 666 (relating to theft or*
 4 *bribery concerning programs receiving Federal*
 5 *funds),” after “section 664 (relating to embezzlement*
 6 *from pension and welfare funds),”.*

7 (b) CONFORMING AMENDMENTS.—Section
 8 1956(c)(7)(D) of title 18, United States Code, is amended—

9 *(1) by striking “section 641 (relating to public*
 10 *money, property, or records),”;* and

11 *(2) by striking “section 666 (relating to theft or*
 12 *bribery concerning programs receiving Federal*
 13 *funds),”.*

14 **SEC. 11. ADDITIONAL WIRETAP PREDICATES.**

15 Section 2516(1)(c) of title 18, United States Code, is
 16 amended by inserting “section 641 (relating to embezzle-
 17 ment or theft of public money, property, or records), section
 18 666 (relating to theft or bribery concerning programs re-
 19 ceiving Federal funds),” after “section 224 (bribery in
 20 sporting contests),”.

21 **SEC. 12. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**
 22 **ITIES.**

23 (a) DEFINITION.—Section 201(a) of title 18, United
 24 states Code, is amended—

1 (1) in paragraph (2), by striking “and” after the
2 semicolon;

3 (2) in paragraph (3), by striking the period and
4 inserting “; and”; and

5 (3) by inserting at the end the following:

6 “(4) the term ‘rule or regulation’ means a federal
7 regulation or a rule of the House of Representatives
8 and the Senate, including those rules and regulations
9 governing the acceptance of campaign contributions.”.

10 (b) CLARIFICATION.—Section 201(c)(1) of title 18,
11 United States Code, is amended—

12 (1) by striking the matter before subparagraph
13 (A) and inserting “otherwise than as provided by law
14 for the proper discharge of official duty, or by rule or
15 regulation—”;

16 (2) in subparagraph (A), by inserting after “, or
17 person selected to be a public official,” the following:
18 “for or because of the official’s or person’s official po-
19 sition, or for or because of any official act performed
20 or to be performed by such public official, former pub-
21 lic official, or person selected to be a public official”;
22 and

23 (3) in subparagraph (B)—

1 (A) by striking “otherwise than as provided
2 by law for the proper discharge of official duty,”;
3 and

4 (B) by striking all after “anything of value
5 personally” and inserting “for or because of the
6 official’s or person’s official position, or for or
7 because of any official act performed or to be
8 performed by such official or person;”.

9 **SEC. 13. CLARIFICATION OF DEFINITION OF OFFICIAL ACT.**

10 Section 201(a)(3) of title 18, United States Code, is
11 amended to read as follows:

12 “(3) the term ‘official act’ means any action
13 within the range of official duty, and any decision or
14 action on any question, matter, cause, suit, pro-
15 ceeding or controversy, which may at any time be
16 pending, or which may by law be brought before any
17 public official, in such public official’s official capac-
18 ity or in such official’s place of trust or profit. An
19 official act can be a single act, more than one act, or
20 a course of conduct.”.

21 **SEC. 14. CLARIFICATION OF COURSE OF CONDUCT BRIB-**
22 **ERY.**

23 Section 201 of title 18, United States Code, is amend-
24 ed—

1 (1) in subsection (b), by striking “anything of
2 value” each place it appears and inserting “any
3 thing or things of value”; and

4 (2) in subsection (c), by striking “anything of
5 value” each place it appears and inserting “any
6 thing or things of value”.

7 **SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUC-**
8 **TION OF JUSTICE PROCEEDINGS.**

9 (a) *IN GENERAL*.—Section 1512(i) of title 18, United
10 States Code, is amended to read as follows:

11 “(i) A prosecution under section 1503, 1504, 1505,
12 1508, 1509, 1510, or this section may be brought in the
13 district in which the conduct constituting the alleged offense
14 occurred or in which the official proceeding (whether or not
15 pending or about to be instituted) was intended to be af-
16 fected.”.

17 (b) *PERJURY*.—

18 (1) *IN GENERAL*.—Chapter 79 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 1624. Venue**

22 “A prosecution under section 1621(1), 1622 (in regard
23 to subornation of perjury under 1621(1)), or 1623 of this
24 title may be brought in the district in which the oath, dec-
25 laration, certificate, verification, or statement under pen-

1 *alty of perjury is made or in which a proceeding takes place*
 2 *in connection with the oath, declaration, certificate,*
 3 *verification, or statement.”.*

4 (2) *CLERICAL AMENDMENT.—The table of sec-*
 5 *tions at the beginning of chapter 79 of title 18,*
 6 *United States Code, is amended by adding at the end*
 7 *the following:*

“1624. Venue.”.

8 **SEC. 16. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
 9 **INVESTIGATE AND PROSECUTE PUBLIC COR-**
 10 **RUPTION OFFENSES.**

11 *There are authorized to be appropriated to the Offices*
 12 *of the Inspectors General and the Department of Justice,*
 13 *including the United States Attorneys’ Offices, the Federal*
 14 *Bureau of Investigation, and the Public Integrity Section*
 15 *of the Criminal Division, \$25,000,000 for each of the fiscal*
 16 *years 2010, 2011, 2012, and 2013, to increase the number*
 17 *of personnel to investigate and prosecute public corruption*
 18 *offenses including sections 201, 203 through 209, 641, 654,*
 19 *666, 1001, 1341, 1343, 1346, and 1951 of title 18, United*
 20 *States Code.*

21 **SEC. 17. AMENDMENT OF THE SENTENCING GUIDELINES**
 22 **RELATING TO CERTAIN CRIMES.**

23 (a) *DIRECTIVE TO SENTENCING COMMISSION.—Pursu-*
 24 *ant to its authority under section 994(p) of title 28, United*
 25 *States Code, and in accordance with this section, the United*

1 *States Sentencing Commission shall review and amend its*
 2 *guidelines and its policy statements applicable to persons*
 3 *convicted of an offense under sections 201, 641, and 666*
 4 *of title 18, United States Code, in order to reflect the intent*
 5 *of Congress that such penalties be increased in comparison*
 6 *to those currently provided by the guidelines and policy*
 7 *statements.*

8 (b) *REQUIREMENTS.—In carrying out this section, the*
 9 *Commission shall—*

10 (1) *ensure that the sentencing guidelines and*
 11 *policy statements reflect Congress' intent that the*
 12 *guidelines and policy statements reflect the serious*
 13 *nature of the offenses described in subsection (a), the*
 14 *incidence of such offenses, and the need for an effec-*
 15 *tive deterrent and appropriate punishment to prevent*
 16 *such offenses;*

17 (2) *consider the extent to which the guidelines*
 18 *may or may not appropriately account for—*

19 (A) *the potential and actual harm to the*
 20 *public and the amount of any loss resulting from*
 21 *the offense;*

22 (B) *the level of sophistication and planning*
 23 *involved in the offense;*

1 (C) *whether the offense was committed for*
2 *purposes of commercial advantage or private fi-*
3 *nancial benefit;*

4 (D) *whether the defendant acted with intent*
5 *to cause either physical or property harm in*
6 *committing the offense;*

7 (E) *the extent to which the offense rep-*
8 *resented an abuse of trust by the offender and*
9 *was committed in a manner that undermined*
10 *public confidence in the Federal, State, or local*
11 *government; and*

12 (F) *whether the violation was intended to or*
13 *had the effect of creating a threat to public*
14 *health or safety, injury to any person or even*
15 *death;*

16 (3) *assure reasonable consistency with other rel-*
17 *evant directives and with other sentencing guidelines;*

18 (4) *account for any additional aggravating or*
19 *mitigating circumstances that might justify excep-*
20 *tions to the generally applicable sentencing ranges;*

21 (5) *make any necessary conforming changes to*
22 *the sentencing guidelines; and*

23 (6) *assure that the guidelines adequately meet*
24 *the purposes of sentencing as set forth in section*
25 *3553(a)(2) of title 18, United States Code.*

Calendar No. 32

11TH CONGRESS
1ST Session

S. 49

A BILL

To help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

MARCH 12, 2009

Reported with an amendment